



C A No. Applied for
Complaint No. 141/2023

In the matter of:

Alam SherComplainant

VERSUS

BSES Yamuna Power LimitedRespondent

Quorum:

1. Mr. P.K. Singh, Chairman
2. Mr. Nishat Ahmed Alvi, Member (CRM)
3. Mr. P.K. Agrawal, Member (Legal)
4. Mr. S.R. Khan, Member (Technical)

Appearance:

1. Mr. Nishkant Ray, Counsel of the complainant
2. Ms. Ritu Gupta, Mr. Pragya Paliwal, Ms. Shweta Chaudhary & Ms. Divya Sharma, On behalf of BYPL

ORDER

Date of Hearing: 18th May, 2023

Date of Order: 05th June, 2023

Order Pronounced By:- Mr. P.K. Agrawal, Member (Legal)

1. This complaint has been filed by Mr. Alam Sher against BYPL-MVR I&II.
2. The brief facts of the case giving rise to this grievance are that Mr. Alam Sher, applied for new electricity connection vide request no. 8006125735 at premises no. 34/116, 3rd floor, Trilok Puri, Delhi-110091 but respondent rejected his applications for new connection on the pretext of MCD objection.

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3. OP in its reply briefly stated that the complainant is seeking new electricity connection on various floors at property bearing no. 34/116, Trilok Puri, Delhi-110091. The complainant applied for new electricity connections vide application no. 8006125735 for domestic purpose. The application of the complainant was rejected vide deficiency letter which was issued to the complainant and it mentioned that the applied address was found in MCD objection list vide letter no. EE(B)/SH(S)/2021/D-36 dated 10.01.2022. The subjected property is at sl. no. 4, as per the objection list circulated by MCD unauthorized construction is 'in shape of ground floor and walls on first floor.
- OP further added that already three connections energized before booking of the premises. Therefore, for release of new connection the complainant has to submit either NOC from MCD or BCC.
4. Representative of the complainant rebutted the contentions of the respondent as averred in their reply and submitted that it is not his premises which are booked by MCD. The said building in question is constructed from Ground upto fourth floor according to DERC Guidelines. He further added that already three meters are installed in the applied premises.
5. LR of the OP submitted that premises of the complainant have been booked by MCD and for release of new electricity connection the complainant has to file BCC or NOC from MCD department.

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6. Heard both the parties and perused the record. From the perusal of evidence placed on record pleadings and after hearing both the parties it is transpired that complainant asked for new connection at 34/116, Trilok Puri, Delhi-110091, but respondent raised objection that the said property, is booked by MCD vide order no. EE (B)-II/Sh-S/2021/D-36 dated 10.01.2022. This Forum is of the view that there is unauthorized construction on the address of the complainant as reported by MCD which has not been removed by the complainant. Completion cum occupancy certificate should be presented by the complainant for release of new connection.
7. The complainant has emphasized on the fundamental rights for claiming electricity connection. However, Hon'ble Delhi High court in case of Parivartan Foundation Vs. South Delhi Municipal Corporation & Others W.P. (c) 11236/2017 dated 20.12.2017 has laid down that
3. The BSES Rajdhani Private Limited and the Delhi Jal Board shall ensure that no connections are provided and water and electricity is not supplied to the buildings constructed in violation of law.
4. In case, the connections have been given to the buildings constructed in violation of law, appropriate steps in accordance with law shall be taken regarding those connections.
8. In view of the fact that the complainant has failed to produce the genuine/correct Completion Cum Occupancy Certificate issued by MCD North Zone and, especially in view of the directions of the Hon'ble High Court in Parivartan Foundation case, the Forum is of the view that OP has rightly rejected the electricity connection to the complainant.

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9. In this regard, Hon'ble Delhi High Court in the case of W.P. (c) 2453/2019 has held "However, merely because some of the occupants of the building have wrongly been given an electricity connection, it cannot be ground for the court to direct respondents' no. 2 and 3 to further compound the wrong act and direct granting of a new electricity connection to the premises of the petition which is located in the building whose height is more than 15 meters."


ORDER


The complaint is rejected. The Respondent has rightly rejected the application of the complainant for new connection.

The case is disposed off as above.

No order as to the cost. Both the parties should be informed accordingly.
Proceedings closed.


(NISHAT A. ALVI)
MEMBER (CRM)


(P.K. AGRAWAL)
MEMBER (LEGAL)


(S.R. KHAN)
MEMBER (TECH.)


(P.K. SINGH)
CHAIRMAN

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